

Office of Legal & Regulatory Services

Agency 95 - Activity 9520

Presented to House Finance Division III

LOB Room 210 February 14, 2017

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Chief Legal Officer**



Agenda

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- ▶ **Overview of Legal & Regulatory Services**
- ▶ **Key Services**
- ▶ **Caseloads**
- ▶ **Financial Summary**
- ▶ **Staffing**
- ▶ **Key Challenges**



Overview – Legal & Regulatory Services

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- ▶ Legal & Regulatory Services ensures that DHHS adheres to and fairly applies the laws and regulations developed to implement legislative policy.
- ▶ The functional areas providing these services are:
 - ▶ Bureau of Licensing & Certification
 - ▶ Legal Bureau
 - ▶ Operations Support Administration (Administrative Appeals Unit)
 - ▶ Ombudsman Offices



Key Services

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Bureau of Facilities Licensing & Certification

Child Care Licensing

Conducts on-site inspections and investigations of child care facilities –center based, family based and 24-hour residential based child care. Ensures compliance with applicable NH Statutes and Administrative Rules, approves and issues licenses, and initiates appropriate disciplinary action when necessary for compliance and the protection of children.

Health Facilities Administration

Inspection & complaint investigation of hospitals; ambulatory service centers; walk in clinics, labs, collection centers, dialysis centers; nursing homes & residential care facilities; residential treatment & rehab (SUD, ABD); community residences; home health care programs & providers; hospice programs.



Key Services

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Legal Bureau

General Counsel

Provides legal services across the Department – representing the Department in court and administrative forums on issues such as personnel matters, defending administrative decisions, prosecuting findings on abuse and neglect, New Hampshire Hospital commitments, pursuing debt owed to the State, internal and external audits, responding to law suits against the Department, providing legal advice and general counsel on matters concerning the administration of Department programs including the development and implementation of policies, interpretation of laws, responding to right to know requests, contract and procurement processes, HIPPA compliance, and the promulgation of administrative rules.

DCYF Counsel

Provides legal counsel to DCYF and works with courts, schools, law enforcement and providers to protect the safety and well-being of children in DCYF's care. Participates in the drafting and review of law, administrative rule and policy that direct the agency's operations. DCYF attorneys represent the Department in litigating abuse and neglect cases filed by the agency to protect children.



Key Services

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Operations Support Administration (Administrative Appeals Unit)

Administrative Appeals Unit

Adjudicative process to provide a fair hearing for applicants and recipients of DHHS services an objective, impartial review of final actions in a program administered by the Department. Identify significant legal issues that come to light in the hearings process and communicate with Department program administrators.



Key Services

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Ombudsman Offices

Ombudsman

Provide assistance to clients and employees of the Department by investigating and resolving complaints regarding any matter within the jurisdiction of the Department, including services and assistance provided by the Department or its contractors, using mediation or other means of informal dispute resolution. Also, to receive, investigate and recommend an appropriate response to Civil Rights complaints involving DHHS.

Office of Long Term Care Ombudsman

Investigate complaints from any source concerning residents of the state's nursing homes and assisted living facilities regarding quality of care, life or violations of resident's rights; and to represent the interests of long term care residents regarding proposed legislation, regulations and policies. Provide consultation and education services to long term care facilities, their residents, and interested parties. Make recommendations concerning changes to the delivery of services, and make referrals to other agencies.



Caseloads

Bureau of Licensing & Certification

Child Care Licensing:

Inspection of 902 licensed facilities serving over 47,000 childcare license slots statewide. Responds to approx. 270 complaints/year.

Health Facilities Administration (including Community Residences):

Inspection/certification of 994 facilities. Intake of over 2,500 concerns/complaints. 1,340 community residence programs.

Legal Bureau

General Counsel:

Right to Know Requests 75+/year; Estate Recoveries approx. \$5 million year; Third party liability recoveries approx. \$75,000; Client & Legal Services 55 complaints; Human Resources 35 cases; AAU Appeals approx. 100;

DCYF:

Average monthly open cases 900.

Administrative Appeals Unit

Process approx. 1,100 cases per year.

Ombudsman

Intake of over 1,600 cases per year.

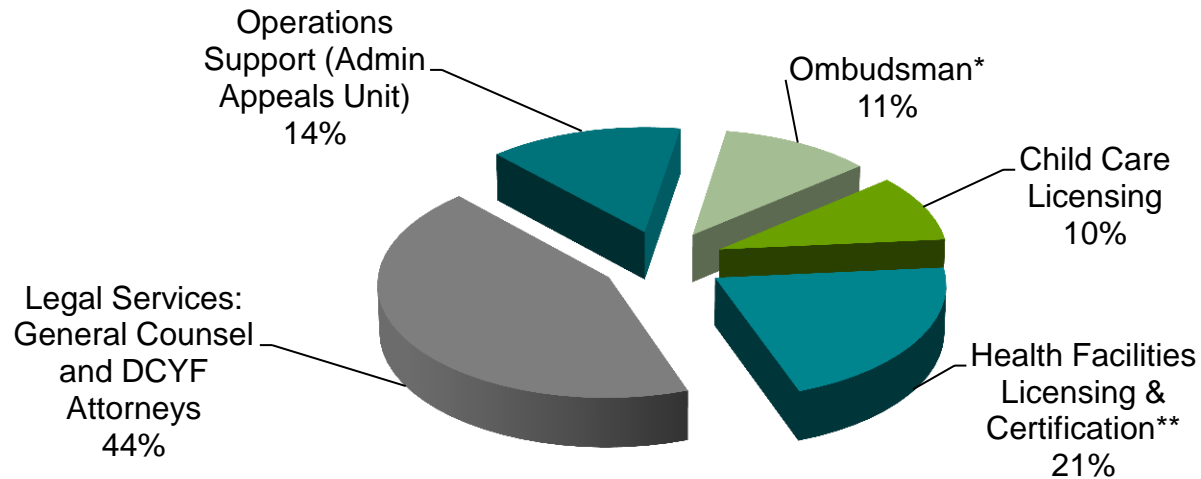
Office of Long Term Care Ombudsman

Approx. 400 cases involving 980 complaint codes per year.



Financial Summary Activity 9520-Office of Legal & Regulatory Services

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Total	SFY 16 Actual	SFY 17 Adjusted Authorized	SFY 18 Agency Request	SFY 18 Governor's Budget	SFY 19 Agency Request	SFY 19 Governor's Budget
Total Funds	\$12.3 m	\$13.5 m	\$14.6 m	\$14.1 m	\$14.9 m	\$14.4 m
General Funds	\$5.3 m	\$6.2 m	\$7.3 m	\$6.1 m	\$7.4 m	\$6.2 m
Amounts in millions						

*Includes Long Term Care Ombudsman

**Includes Community Residences Certification



Major Accounting Units – General Funds only

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Major Accounting Unit	SFY16 Actual	SFY 17 Adjusted Authorized	SFY18 Agency Request	SFY18 Governor's Request	SFY19 Agency Request	SFY19 Governor's Request
9520-5143 Child Care Licensing	\$.6	\$.6	\$.6	\$.6	\$.6	\$.6
9520-5146 Health Facilities	\$.7	\$1.2	\$1.0	\$1.0	\$1.0	\$1.0
9520-5682 ^ Community Residences	\$.3	\$.3	\$.3	\$.3	\$.3	\$.3
9520-5680 Legal Bureau	\$2.3	\$2.6	\$3.7	\$2.7	\$3.8	\$2.8
9520-5683 Admin. Appeals Unit	\$.9	\$.9	\$1.0	\$.9	\$1.0	\$.9
9520-5696 Ombudsman	\$.3	\$.4	\$.4	\$.4	\$.4	\$.4
9520-6636 LTC Ombudsman	\$.3	\$.3	\$.3	\$.3	\$.3	\$.3
* Totals	\$5.3	\$6.2	\$7.3	\$6.1	\$7.4	\$6.2

Amounts are General Funds only and in Millions

^ Since this Account is less than \$1m in total funds, it is not included in the Briefing Book

*Due to rounding totals are taken from budget documents



Staffing

Governor's Recommended	Current Vacancies	Bureau Name
19	1	Child Care Licensing
39	2	Health Facilities Licensing & Certification (incl. Community Residences Cert.)
53	7	Legal Bureau – General Counsel & DCYF
13	2	Administrative Appeals Unit
5	0	Ombudsman
5	0	Long Term Care Ombudsman
134	12	Totals



Major Challenges

Increased federal inspection/monitoring requirements for child care facilities

Rules and inspection requirements for Substance Use Disorder treatment facilities

Increased DCYF and Child Support Services caseloads

Staff reductions

